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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,425	03/04/2002	Patrick Mourot	Q68674	1371

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SUGHRUE MION, PLLC
2100 Pennsylvania Avenue
Washington, DC 20037-3213

EXAMINER

DAVIS, CYNTHIA L

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,425

Applicant(s)

MOUROT ET AL.

Examiner

Cynthia L Davis

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/4/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: as amended, it contains more than 1 sentence. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8 and 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. They have not been treated on the merits.
4. Claim 8 recites the limitation "said applicative board." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwaller (6134229). Schwaller discloses a device having a voice communication structure (figure 2) comprising a CPU (figure 2, element 30), a master DSP unit for a telephonic application (figure 2, element 18-0) with access to switching means (claim 1), a second DSP for a telephonic application (figure 2, element 18-1-1) with access to switching means (claim 1), and real-time inter-DSP communication (column 2, lines 7-8). Claim 1 further specifies a rack called main rack, which is missing from Schwaller. However, it would have been obvious to one skilled in the art at the time of the invention to include a rack in the invention of Schwaller. The motivation would be to have a rack to hold the circuit board containing the DSP's.
6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwaller in view of Notenbloom (5748468) in further view of Hiltunen (6535578) and Ford (6463051). The device of claim 1 is disclosed in Schwaller. Means managing access to a switching unit are disclosed in Schwaller at claim 1. Claim 2 further specifies that the two DSP's manage access to a switching unit, have an operating system, can run various resources, and have schedulers, which elements are missing from Schwaller. Notenbloom discloses a DSP unit with an operating system (figure 5, element 124), scheduler (figure 5, element 142), memories (figure 2, elements 58 and 59), that DSP being capable of selecting and running various resources (figure 5, element 146). OBC and HDLC being the specific resources run by the DSP's is missing from Schwaller and Hiltunen; however, having a DSP run such resources is old and well known in the art. A

DSP in conjunction with OBC resources is disclosed in Figure 1, element 5 of Hiltunen. A DSP in conjunction with HDLC resources is disclosed in column 4, lines 52-55 of Ford. In light of the foregoing references, it would have been obvious to one skilled in the art at the time of the invention modify Schwaller's system to include a DSP for running various resources such as those taught by Hiltunen and Ford, and an OS for managing resources as taught by Notenbloom. The motivation would be to have a flexible DSP unit.

7. Claims 3, 4, 5, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwaller in view of Notenbloom (5748468).

Regarding claims 3 and 4, the device of claim 1 is disclosed in Schwaller. Claims 3 and 4 further specify that information exchanged between the DSP's is coded. Notenbloom discloses a DSP being connected to various devices via codecs (signal encoder/decoder) at column 5, lines 40-41. In light of this disclosure, it would have been obvious to one skilled in the art at the time of the invention to code and decode the inter-DSP communication. The motivation would be to be able to transmit a coded signal between the DSP's.

Regarding claim 5, the device of claim 3 is disclosed in Schwaller in view of Notenbloom. Claim 5 further discloses that the second DSP is on a separate board from the master board and the communications between the two DSP's are full duplex, and the link connects the boards together. Placing the two DSP's on different boards is a statement of intended use, not a further limitation of the claim. The invention of Schwaller is capable of having two DSP's on different boards, with full duplex

communications between the two boards. The recitation of a new intended use for an old product does not make a claim to that old product patentable. In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997). Schwaller discloses full duplex communication between the DSP's at column 5, line 67. In light of the foregoing disclosure, it would have been obvious to one skilled in the art at the time of the invention to use full duplex communication between the two DSP's. The motivation would be to have faster, higher quality communication between the DSP's.

Regarding claim 9, the device of claim 5 is disclosed in Schwaller in view of Notenbloom. Claim 9 further specifies the second board being an expansion board in an expansion rack in slave mode with respect to said main rack, and said link being a synchronous, high speed link. The invention of Schwaller is capable of having the DSP's arranged on 2 separate boards with the second board being in an expansion rack in slave mode with respect to the main rack. The recitation of a new intended use for an old product does not make a claim to that old product patentable. In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997). Schwaller discloses in column 5, line 63, that the link between the DSP's is synchronous, and that it is a TDM bus, which is a type of high speed link. In light of the foregoing disclosure, it would have been obvious to one skilled in the art at the time of the invention to have the second board being in an expansion rack in slave mode with respect to the main rack, and to have a synchronous high speed link between the boards. The motivation would be to have fast communications between the DSP's.

Regarding claim 10, the device of claim 9 is disclosed in Schwaller in view of Notenbloom. Claim 10 further discloses inter-DSP communication means included in the second DSP and arranged to decode said coded information and/or to code information to be exchanged. Notenbloom discloses a DSP being connected to various devices via codecs (signal encoder/decoder) at column 5, lines 40-41. In light of this disclosure, it would have been obvious to include a codecs in the second DSP. The motivation would be to be able to send coded communications between the DSP units.

8. Claim 6 is rejected over Schwaller in view of Notenbloom in further view of Milton (4862452). The device of claim 5 is disclosed in Schwaller and Notenbloom. Claim 6 further discloses use of a PCM link, which is missing from both Schwaller and Notenbloom. However, Milton teaches use of PCM links (figure 1, element 15) in conjunction with DSP's (figure 1, element 13). In light of this disclosure, it would have been obvious to one skilled in the art to use a PCM link for the inter-DSP communication. The motivation would be to have a fast link between the two DSP's.

9. Claim 7 is rejected over Schwaller in view of Notenbloom in further view of Milton in Further view of Sinibaldi (6549945). The device of claim 6 is disclosed in Schwaller in view of Notenbloom in further view of Milton. Claim 7 further specifies the second DSP being used for an IP application, preferably VoIP or internet access. Sinibaldi discloses a DSP based communications device being used for VoIP in column 2, lines 26-28 and 37-8. In view of the foregoing disclosure, it would have been obvious to one skilled in the art to use the second DSP for an IP application. The motivation would be to have an IP application running on the DSP.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L Davis whose telephone number is (703) 305-4078. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLD
8/23/2004

CLD
9/7/04



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